

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,	)	COUNT ONE:
	)	[All defendants]
Plaintiff,	)	18 U.S.C. § 371
	)	(Conspiracy to commit marriage fraud)
v.	)	NMT: 5 Years Imprisonment
	)	NMT: \$250,000 Fine
MOHAMED ELOUERRASSI,	)	NMT: 3 Years Supervised Release
[DOB: xx/xx/52]	)	Class D Felony
)	
JOYCE R. PORTER,	)	COUNT TWO:
[DOB: xx/xx/60]	)	[Defendant FADOUA ELOUERRASSI]
	)	8 U.S.C. § 1325(c)
SAADIA GOURCHE,	)	(Marriage fraud)
[DOB: xx/xx/54]	)	NMT: 5 Years Imprisonment
	)	NMT: \$250,000 Fine
FADOUA ELOUERRASSI,	)	NMT: 3 Years Supervised Release
[DOB: xx/xx/82]	)	Class D Felony
)	
and	)	COUNTS THREE and FOUR:
	)	[Defendants MOHAMED ELOUERRASSI,
RACHID GOURCHE,	)	JOYCE R. PORTER and FADOUA
[DOB: xx/xx/57]	)	ELOUERRASSI]
	)	18 U.S.C. § 1546(a) and 2
Defendants.	)	(Aiding and abetting immigration application
	)	false statements)
	)	NMT: 10 Years Imprisonment
	)	NMT: \$250,000 Fine
	)	NMT: 3 Years Supervised Release
	)	Class C Felony
)	
)	

-) COUNTS FIVE through SEVEN:
-) [Defendants FADOUA ELOUERRASSI, and
-) RACHID GOURCHE]
-) 18 U.S.C. § 1546(a)
-) (Immigration application false statements)
-) NMT: 10 Years Imprisonment
-) NMT: \$250,000 Fine
-) NMT: 3 Years Supervised Release
-) Class C Felony
-)
-) \$100 Mandatory Special Assessment
-) (Each Count)

Defendant MOHAMED ELOUERRASSI is named in Counts One and Three.

Defendant JOYCE R. PORTER is named in Counts One and Three.

Defendant SAADIA GOURCHE is named in Count One.

Defendant FADOUA ELOUERRASSI is named in Counts One, Two, Four and Five.

Defendant RACHID GOURCHE is named in Counts One, Six, and Seven.

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

A. INTRODUCTION

1. Defendant MOHAMED ELOUERRASSI (hereinafter MOHAMED) entered the United States as a Moroccan national on August 8, 1997 pursuant to an INS B-2 visitor visa with an expiration date of August 7, 1998 and initially resided at xxxx xxxx, Montclair, California.

2. Defendant SAADIA GOURCHE (hereinafter SAADIA) entered the United States as a Moroccan national on August 8, 1997 pursuant to an INS B-2 visitor visa with an expiration date of August 7, 1998 and initially resided at xxxx xxxx, Montclaire, California.

3. Defendant FADOUA ELOUERRASSI (hereinafter FADOUA) entered the United States as a Moroccan national on August 8, 1997 pursuant to an INS B-2 visitor visa with an expiration date of August 7, 1998 and initially resided at xxxx xxxx, Montclaire, California.

4. Defendant RACHID GOURCHE (hereinafter RACHID) entered the United States as a Moroccan national on June 27, 1998 pursuant to an INS B-2 visitor visa with an expiration date of December 16, 1998 and initially resided at xxxx xxxx, Kansas City, Missouri.

5. Defendants MOHAMED, SAADIA, AND FADOUA relocated to Kansas City, Missouri and resided at xxxx xxxx, beginning on or about December 1, 1998.

6. Defendant MOHAMED became employed as a banquet server at the Fairmont Hotel in Kansas City, Missouri beginning on or about November 1998 and Defendant SAADIA became employed as a banquet server at the Fairmont Hotel in Kansas City, Missouri beginning on or about June 1999.

7. Defendants MOHAMED and SAADIA were married in Morocco and are the parents of Defendant FADOUA. Additionally, Defendant RACHID is the brother of Defendant SAADIA.

8. Defendant MOHAMED was accorded status as a lawful permanent resident of the United States on January 20, 2000 based on his marriage to Defendant JOYCE R. PORTER on November 8, 1998.

9. Defendant FADOUA was accorded status as a lawful permanent resident of the United States on March 20, 2002 based on her marriage to a United States citizen on May 14, 2001.

10. Defendant RACHID was accorded status as a lawful permanent resident of the United States on February 10, 2000 based on his marriage to a United States citizen on November 7, 1998.

11. Defendant SAADIA has failed to file INS Form I-751 (Petition to Remove the Conditions On Residence) and therefore has not been accorded status as a lawful permanent resident of the United States based on her marriage to a United States citizen.

12. The United States citizen who was married to Defendant SAADIA is the brother of the United States citizen who was married to Defendant RACHID.

B. CONSPIRACY

13. Beginning on or about August 1997, and continuing through December 5, 2003, both dates being approximate, in the Western District of Missouri and elsewhere, MOHAMED ELOUERRASSI, JOYCE R. PORTER, SAADIA GOURCHE, FADOUA ELOUERRASSI, and RACHID GOURCHE, defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and other persons, both known and unknown to the grand jury, to commit offenses against the United States,

that is, to enter into marriages for the purpose of evading any provision of the immigration laws, contrary to the provisions of Title 8, United States Code, Section 1325(c), and to submit false Petitions for Alien Relative, designated as INS Form I-130, and false Petitions to Remove the Conditions on Residence, designated as INS Form I-751, to the United States Bureau of Citizenship and Immigration Services, contrary to the provisions of Title 18, United States Code, Section 1546(a).

C. Object of the Conspiracy

14. The object of the conspiracy was for Defendant PORTER to receive compensation for her marriage to Defendant MOHAMED. Additionally, it was the object of this conspiracy for Defendants MOHAMED, SAADIA, FADOUA, and RACHID to fraudulently establish a legal means through their marriages in which to adjust their status from Moroccan nationals possessing INS visitor visas to that of United States lawful permanent residents.

D. Manner and Means of the Conspiracy

15. It was part of the conspiracy that United States citizens including Defendant PORTER were induced to enter into marriages with Defendants MOHAMED, SAADIA, FADOUA, and RACHID who were present in the United States as Moroccan nationals possessing INS visitor visas.

16. It was further part of the conspiracy that the Defendants MOHAMED, SAADIA, FADOUA, and RACHID did not reside with the United States citizens including Defendant PORTER following their marriages.

17. It was further part of the conspiracy that periodic payments of United States currency would be made to Defendant PORTER following her marriage to Defendant MOHAMED.

18. It was further part of the conspiracy that Defendants MOHAMED, SAADIA, FADOUA, and RACHID, in conjunction with the United States citizens, including Defendant PORTER, would submit INS Form I-130 (Petition for Alien Relative), INS Form I-485 (Application to Register Permanent Residence), and INS Form I-751 (Petition to Remove the Conditions on Residence) to the United States Bureau of Citizenship and Immigration Services in order to establish their status as lawful permanent United States residents.

19. It was further part of the conspiracy that Defendants MOHAMED, PORTER, SAADIA, FADOUA, and RACHID, made material misrepresentations in the INS Form I-130 (Petition for Alien Relative) and in the INS Form I-751 (Petition to Remove the Conditions on Residence) to the United States Bureau of Citizenship and Immigration Services falsely asserting that they lived together at the same location as husband and wife following the marriages.

E. Overt Acts

20. In furtherance of the conspiracy and to effect the objects thereof, defendants committed and caused to be committed the following overt acts in the Western District of Missouri.

21. On or about November 5, 1998, Defendants MOHAMED and PORTER made application for a marriage license from the Jackson County, Missouri, Recorder of Deeds and entered into a fraudulent marriage on or about November 8, 1998.

22. On or about February 18, 1999, Defendant PORTER in conjunction with Defendant MOHAMED, executed and caused the United States Bureau of Citizenship and Immigration Services to process INS Form I-130 (Petition for Alien Relative) falsely stating that they both resided together at xxxx xxxx, Kansas City, Missouri.

23. On or about November 26, 2001, Defendant PORTER and Defendant MOHAMED executed INS Form I-751 (Petition to Remove Conditions on Residence), falsely stating that they both resided together at xxxx xxxx, Kansas City, Missouri.

24. On or about October 5, 1999, Defendant SAADIA applied for a marriage license from the Jackson County, Missouri, Recorder of Deeds and entered into a fraudulent marriage on or about October 8, 1999, with a United States citizen.

25. On or about between October 8 through October 27, 1999, Defendants MOHAMED, SAADIA, and RACHID executed and caused a United States citizen to execute INS Form I-130 (Petition for Alien Relative) falsely stating that Defendant SAADIA resided together with the United States citizen at xxxx xxxx, Kansas City, Missouri.

26. On or about May 14, 2001, Defendant FADOUA entered into a fraudulent marriage with a United States citizen in Jackson County, Missouri.

27. On or about June 6, 2001, Defendant FADOUA executed and caused a United States citizen to execute INS Form I-130 (Petition for Alien Relative) falsely stating that they lived together at xxxx xxxx, Kansas City, Missouri.

28. On or about December 5, 2003, Defendant FADOUA executed and caused a United States citizen to execute INS Form I-751 (Petition to Remove the Conditions on Residence) falsely stating that they lived together at xxxx xxxx, Kansas City, Missouri.

29. On or about November 4, 1998, Defendant RACHID applied for a marriage license from the Jackson County, Missouri Recorder of Deeds and on or about November 7, 1998, entered into a fraudulent marriage with a United States citizen.

30. On or about November 14, 2001, Defendant RACHID executed INS Form I-751 (Petition to Remove the Conditions on Residence) falsely stating that he resided with the United States citizen at xxxx xxxx, Kansas City, Missouri.

31. On or about November 12, 2003, Defendant RACHID executed INS Form N-400 (Application for Naturalization) falsely stating that he resided with the United States citizen at xxxx xxxx, Kansas City, Missouri.

32. Included in the overt acts committed by defendants and incorporated by reference herein are the substantive criminal offenses in this indictment which are designated Counts Two through Seven.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

On or about May 14, 2001, in the Western District of Missouri, FADOUA ELOUERRASSI, defendant herein, did knowingly enter into a marriage with a United States citizen, for the purpose of evading a provision of the immigration laws.

All in violation of Title 8, United States Code, Section 1325(c).

COUNT THREE

On or about November 26, 2001, in the Western District of Missouri, MOHAMED ELOUERRASSI and JOYCE R. PORTER, defendants herein, aiding and abetting each other, did knowingly make under oath and knowingly subscribe as true under penalty of perjury under Title 28, United States Code, Section 1746, a false statement with respect to a material fact in an application required by the immigration laws or regulations prescribed thereunder, to wit, a Petition to Remove the Conditions on Residence, designated as INS Form I-751, that is, that Defendant MOHAMED lived with Defendant PORTER at xxxx xxxx, Kansas City, Missouri, which statement Defendants MOHAMED

and PORTER then and there knew was false, in that Defendant MOHAMED did not reside with Defendant PORTER at xxxx xxxx, Kansas City, Missouri.

All in violation of Title 18, United States Code, Section 1546(a) and 2.

COUNT FOUR

On or about June 6, 2001, in the Western District of Missouri, FADOUA ELOUERRASSI, defendant herein, aiding and abetting another, did knowingly make and cause another to make under oath and knowingly subscribe as true under penalty of perjury under Title 28, United States Code, Section 1746, a false statement with respect to a material fact in an application required by the immigration laws or regulations prescribed thereunder, to wit, a Petition for Alien Relative, designated as INS Form I-130, that is, that Defendant FADOUA lived with her United States citizen husband at xxxx xxxx, Kansas City, Missouri, which statement Defendant FADOUA then and there knew was false, in that Defendant FADOUA did not reside with her United States citizen husband at xxxx xxxx, Kansas City, Missouri.

All in violation of Title 18, United States Code, Section 1546(a) and 2.

COUNT FIVE

On or about December 5, 2003, in the Western District of Missouri, FADOUA ELOUERRASSI, defendant herein, did knowingly make under oath and knowingly

subscribe as true under penalty of perjury under Title 28, United States Code, Section 1746, a false statement with respect to a material fact in an application required by the immigration laws or regulations prescribed thereunder, to wit, a Petition to Remove the Conditions on Residence, designated as INS Form I-751, that is, that Defendant FADOUA lived with her United States citizen husband at xxxx xxxx, Kansas City, Missouri, which statement Defendant FADOUA then and there knew was false, in that Defendant FADOUA did not reside with her United States citizen husband at xxxx xxxx, Kansas City, Missouri.

All in violation of Title 18, United States Code, Section 1546(a).

COUNT SIX

On or about November 14, 2001, in the Western District of Missouri, RACHID GOURCHE, defendant herein, did knowingly make under oath and knowingly subscribe as true under penalty of perjury under Title 28, United States Code, Section 1746, a false statement with respect to a material fact in an application required by the immigration laws or regulations prescribed thereunder, to wit, a Petition to Remove the Conditions on Residence, designated as INS Form I-751, that is, that Defendant RACHID lived with his United States citizen wife at xxxx xxxx, Kansas City, Missouri, which statement Defendant RACHID then and there knew was false, in that Defendant RACHID did not reside with his United States citizen wife at xxxx xxxx, Kansas City, Missouri.

All in violation of Title 18, United States Code, Section 1546(a).

COUNT SEVEN

On or about November 12, 2003, in the Western District of Missouri, RACHID GOURCHE, defendant herein, did knowingly make under oath and knowingly subscribe as true under penalty of perjury under Title 28, United States Code, Section 1746, a false statement with respect to a material fact in an application required by the immigration laws or regulations prescribed thereunder, to wit, An Application for Naturalization, designated as INS Form N-400, that is, that Defendant RACHID lived with his United States citizen wife at xxxx xxxx, Kansas City, Missouri, which statement Defendant RACHID then and there knew was false, in that Defendant RACHID did not reside with his United States citizen wife at xxxx xxxx, Kansas City, Missouri.

All in violation of Title 18, United States Code, Section 1546(a).

A TRUE BILL.

/s/ Foreperson
FOREPERSON OF THE GRAND JURY

/s/ William L. Meiners
William L. Meiners #28263
Assistant United States Attorney

Dated: 2/7/06
Kansas City, Missouri